

2005 No. 381

MENTAL HEALTH

**The Mental Health (Removal Order) (Scotland)
Regulations 2005**

<i>Made</i> - - - -	<i>8th July 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>18th July 2005</i>
<i>Coming into force</i> - -	<i>5th October 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 293(6)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Mental Health (Removal Order) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

Persons to be afforded the opportunity to be heard by sheriff

2. The persons prescribed for the purposes of section 293(6)(b) (removal order) of the Mental Health (Care and Treatment) (Scotland) Act 2003 are:

- (a) the nearest relative of the person;
- (b) any guardian of the person;
- (c) any welfare attorney of the person;
- (d) any primary carer of the person.

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
8th July 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the persons, other than the person who is the subject of the application, who are to be afforded an opportunity by a sheriff to make representations and to lead or produce evidence before an application for a removal order under section 293 of the Mental Health (Care and Treatment) (Scotland) Act 2003 is determined.

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